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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MILESTONE UTILITY SERVICES, INC.,
11 a Florida corporation,

12 Plaintiff,

13 v.

14 CITY OF TACOMA, a Washington
15 municipal corporation; and CARLOS
PULLUM,

16 Defendants.
17

No. 20-cv-5860

COMPLAINT FOR INJUNCTIVE
RELIEF

18 Plaintiff Milestone Utility Services, Inc. (Milestone) states as follows:
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PARTIES

20 1. Plaintiff Milestone is a corporation formed under the laws of the State of Florida
21 and headquartered in Plantation, Florida.

22 2. Defendant City of Tacoma (City) is a municipal corporation of the State of
23 Washington. Its boundaries fall within Pierce County, Washington.

24 3. Defendant Carlos Pullum (Pullum) is a citizen of Texas.
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COMPLAINT FOR INJUNCTIVE RELIEF - 1

1 **JURISDICTION AND VENUE**

2 4. This action arises out of a Public Records Act, ch. 49.56 of the Revised Code of
3 Washington (PRA), request that Pullum made to the City. The Court has jurisdiction under 28
4 U.S.C. § 1332(a)(1) as the parties to this action are citizens of different states and the value of
5 the information Milestone seeks to protect substantially exceeds \$75,000. Venue is proper under
6 28 U.S.C. § 1391(b)(2).

7 **FACTUAL ALLEGATIONS**

8 5. Milestone is a privately held company that creates custom applications and
9 customer self-service portals for public utility companies.

10 6. There are approximately 6-10 companies that compete in this niche market. One
11 of those companies, and one of Milestone's foremost competitors, is a corporation based in
12 Dallas, Texas, called VertexOne.

13 7. Pullum is the Director of Procurement for VertexOne,

14 8. Tacoma Public Utilities (TPU) is the City's largest department. It provides public
15 utility services for City residents.

16 9. In early 2020, TPU issued a Request for Proposals (Specification No. PI20-
17 0019F) seeking "Customer Engagement Portal Technology and Services" (the "RFP").

18 10. Milestone and VertexOne submitted proposals in response to the RFP. Milestone
19 designated portions of its response "confidential" because those portions included trade secrets
20 and other commercial information that was secret, highly proprietary, and valuable to Milestone.

21 11. TPU accepted Milestone's proposal.

22 12. In July 2020, Pullum, as Director of Procurement for VertexOne, submitted a
23 public records request to the City for Milestone's RFP response.

24 13. The City notified Milestone of the request. Milestone submitted redacted versions
25 of its response, which the City provided to Pullum.

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COMPLAINT FOR INJUNCTIVE RELIEF- 2

COUNT II

**INJUNCTIVE RELIEF UNDER THE “OTHER STATUTE” EXEMPTION-
TRADE SECRETS**

22. Milestone realleges paragraphs 1-15 above.

23. RCW 42.56.070(1) protects from disclosure public records that fall “within the specific exemptions of ... this chapter, or other statute which exempts or prohibits disclosure of specific information or records.”

24. “Trade secrets” under Washington’s Uniform Trade Secrets Act, chapter. 19.108 RCW (UTSA), are protected from disclosure under the PRA because the UTSA is an “other statute which exempts of or prohibits disclosure of specific information or records.”

25. The RFP response that the City plans to release contains trade secrets belonging to Milestone. The trade secret information is novel and derives independent economic value from not being generally known and not being readily ascertainable by other means by other persons who would obtain economic value from its disclosure.

26. Milestone has made reasonable efforts to maintain the confidentiality of its trade secret information.

27. Milestone would be at a competitive disadvantage if its trade secrets were disclosed to one of its chief competitors.

28. Release of the RFP response and the resulting disclosure of Milestone’s trade secrets would not be in the public’s interest and would substantially and irreparably damage Milestone.

29. Under RCW 42.56.070(1) and RCW 42.56.540, Milestone is entitled to preliminary and permanent injunctive relief prohibiting the City from releasing the unredacted RFP response, or disclosing the information contained therein, to Pullum and, through Pullum, to VertexOne.

COMPLAINT FOR INJUNCTIVE RELIEF- 4

PRAYER FOR RELIEF

Based on the foregoing, Milestone prays for the following relief:

1. Preliminary and permanent injunctive relief barring the City from releasing to Pullum the documents and information contained in Milestone's RFP response that Milestone designated "confidential"; and
2. Such other and further relief as the Court may deem just and equitable.

DATED: August 25, 2020.

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